

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

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DAIRY, LLC, a Delaware Limited
Liability Company,

Plaintiff,

v.

MILK MOOVEMENT, INC., a foreign
Corporation, and MILK MOOVEMENT,
LLC, a Delaware Limited
Liability Company,

Defendants.

No. 2:21-cv-02233 WBS AC

ORDER RE: REQUEST TO SEAL

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Before the court is Milk Moovement's request to file under seal portions of its Opposition to plaintiff/counter-defendant Dairy's Motion to Dismiss Second Amended Counterclaims. (Docket No. 290.) This is at least the seventh request to seal the court has had to deal with in this action. The parties should have become familiar with the court's requirements for sealing documents by now.


In the present motion Milk Moovement seeks to seal

1 materials designated as "CONFIDENTIAL" or "HIGHLY CONFIDENTIAL --
2 ATTORNEYS' EYES ONLY" under the stipulated protective order
3 (Docket Nos. 54 61). As Milk Moovement correctly acknowledges, a
4 confidentiality agreement between the parties does not per se
5 constitute a compelling reason to seal documents outweighing the
6 interests of public disclosure and access. There needs to be an
7 independent basis for sealing or redacting a document beyond the
8 fact that material is within the purview of a stipulated
9 protective order.

10 Milk Moovement therefore asks the court that the
11 identified portions of its Opposition be sealed on a provisional
12 basis until the parties have an opportunity to substantiate their
13 designations and make the requisite showing to maintain sealing.
14 The court rejects Milk Moovement's request. If any of the
15 identified portions of the brief would make the requisite showing
16 to maintain sealing, Milk Moovement may bring a renewed request
17 to seal.

18 IT IS THEREFORE ORDERED that Milk Moovement's request
19 to seal portions of its Opposition to Dairy's Motion to Dismiss
20 Second Amended Counterclaims on a provisional basis (Docket No.
21 290) be, and the same hereby is, DENIED WITHOUT PREJUDICE.

22 Dated: May 7, 2023

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24 WILLIAM B. SHUBB
25 UNITED STATES DISTRICT JUDGE
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